



Dkt. 00186CONT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Group Art Unit:

KURT DAHLBERG

Examiner:

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DEC 28 2001

Serial No.: 09/973,986

OFFICE OF PETITIONS
DEPUTY A/C PATENTS

Filed: October 11, 2001

For: IMPACT MACHINE AND METHOD OF USING AN IMPACT MACHINE

PETITION UNDER 37 CFR 1.47(b)

Honorable Assistant Commissioner for Patents
Washington, DC 20231

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DEC 28 2001

Sir:

OFFICE OF PETITIONS
DEPUTY A/C PATENTS

Petition is hereby made in accordance with 37 CFR 1.47(b) to file the above-identified application in the absence of a declaration signed by the sole inventor, Kurt Dahlberg.

Attached hereto is a Declaration stating relevant facts in the name of Lars Johansson, managing director of Hydropulsor AB, the assignee of prior related US Patent No. 6,207,757. The Declaration is signed on behalf of Mr. Johansson by Lars Erik Dahl, vice managing director of Hydropulsor AB. Mr. Johansson is currently on holiday in Africa and could not provide a signature on this document; Mr. Dahl can confirm the facts stated therein.

The Declaration states that the inventor, Mr. Dahlberg,

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HYDROPULSOR

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DECLARATION OF LARS JOHANSSONHonorable Assistant Commissioner for Patents
Washington, DC 20231

Sir,

I, Lars Johansson, do hereby declare as follows:

I am managing director of Hydropulsor AB and therefore an Officer of the corporation, which is a corporation of Sweden with headquarters in Karlskoga, Sweden.

In an agreement dated September 23, 1994, a copy of which is attached hereto with verified translation, the founders of Hydropulsor AB, Kurt Dahlberg, Roland Åhs and Kurt Kallin, agreed that the technology created by the founders relating to impact machines would be assigned to Hydropulsor AB, this technology including a machine of type HYP 3008.

Subsequently, a PCT patent application was filed directed to a machine of type HYP 3008, this patent having the serial number PCT/SE95/00758 and being filed in the name of Hydropulsor AB for all countries except the United States, and in the name of Kurt Dahlberg for the United States.

A request for a US national phase application corresponding to PCT/SE95/00758 was filed in the US Patent and Trademark Office on December 18, 1997 without declaration of the inventor, and assigned serial no. 08/973,548. At the same time, inventor Kurt Dahlberg signed

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HYDROPULSOR

an inventor's declaration for this application, but refused to sign an assignment document.

On January 1, 1998, Kurt Dahlberg, while still employed by Hydropulsor AB, established a new company, Exodyn AB, to be in competition with Hydropulsor AB.

Subsequently, the attached agreement was recorded in the US Patent and Trademark Office, Reel 9391, Frame 0001, to establish ownership of the application by Hydropulsor AB.

US application serial no. 08/973,548 issued as US Patent No. 6,202,757 on March 20, 2001.

A continuation-in-part application claiming the benefit of US application no. 08/973,548 under 35 USC 120 was filed on February 9, 2001 without declaration.

Mr. Dahlberg, the inventor, was contacted by me in November 1998. He refused to sign an inventor's declaration in connection with the continuation-in-part application.

A notice to file missing parts was issued in the continuation-in-part application on April 11, 2001. Because an inventor's declaration could not be obtained from Mr. Dahlberg within the six month statutory period for response, a continuation application was filed on September 11, 2001; that is the application referenced above.

I further declare that all statements made by me herein are true and all statements made on information and belief are believed to be true, and that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and may jeopardize the validity of the application or any patent issued thereon.

2001-12-21

Date

Lars-Erik Dahl
Lars Johansson
Managing Director of
Hydropulsor AB
through
Lars-Erik Dahl
Vice President

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